

**CHAPTER NO. 817**

**HOUSE BILL NO. 3186**

**By Representative Rinks and Mr. Speaker Naifeh and Representatives Hagood, Hackworth, Ferguson, Fraley, Windle, Harmon, Cobb, Litz, Yokley, Shaw, Borchert, Hargrove, Garrett, Tindell, Armstrong, Pinion, Shepard, Buttry, Todd, Kent, Newton, McKee, Eldridge, Maddox, Hargett, Brenda Turner, Sargent, Langster, Harwell, West, Winningham, Fitzhugh, Sontany, Sherry Jones, Odom, Lynn, Black, Curtiss, Mike Turner, Davidson, Baird, Coleman, Bone, Phillip Johnson, Hensley, Davis, Gresham, Brown, Harry Brooks, Stanley, McMillan, Head, West, Godsey, Mumpower, Montgomery, Vincent, McDonald, Roach**

**Substituted for: Senate Bill No. 2473**

**By Senators Burchett, Kilby, Ketron, Williams, Atchley, Beavers, Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Henry, Herron, Jackson, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, and Mr. Speaker Wilder**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 17, relative to criminal procedure.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17, is amended by adding the following as a new, appropriately numbered section:

40-17-\_\_\_\_.

(a) Notwithstanding the provisions of any rule or statute to the contrary, in a criminal case:

If the defendant is charged with any sex offense specified in §§ 39-13-502; 503; 504; 505; 506; 511 (provided that the offense of public indecency or indecent exposure constitutes a Class A misdemeanor or Class E felony violation); 513; 514; 515; 516; 522; 527; 528 or 39-15-302, or is charged with the offense of attempting, soliciting or conspiring to commit any such sex offense; and

If the victim is less than thirteen (13) years of age; and

If the defendant possesses a prior conviction for any sex offense described in §§ 39-13-502; 503; 504; 505; 506; 511 (provided that the offense of public indecency or indecent exposure constituted a Class A misdemeanor or Class E felony violation); 513; 514; 515; 516; 522; 527; 528 or 39-15-302, or a prior conviction for attempting, soliciting or conspiring to commit any such sex offense; and

If the victim of such prior offense was also less than thirteen (13) years of age; then

Evidence of the defendant's prior conviction is admissible and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

(b) Notwithstanding the provisions of any rule or statute to the contrary, in a case in which the state intends to offer evidence under this section, the state shall disclose the evidence to the defendant, including a summary of the substance of any testimony that is expected to be offered, at least fifteen (15) days before the scheduled date of trial or at such later time as the court may allow for good cause.

(c) Nothing in this section shall be construed to limit the admissibility or consideration of evidence under any other rule or statute.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

**PASSED: May 20, 2004**



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES



JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 3<sup>rd</sup> day of June 2004**



PHIL BREDESEN, GOVERNOR